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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,276	03/13/2001	Mitsuru Higashiyama	01138/LH	1229
1933	7590	11/19/2004	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 767 THIRD AVENUE 25TH FLOOR NEW YORK, NY 10017-2023			PIZARRO, RICARDO M	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/805,276	HIGASHIYAMA, MITSURU	
	Examiner	Art Unit	
	Ricardo Pizarro	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,9 and 10 is/are rejected.
- 7) ☒ Claim(s) 3,5-8 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because in Fig. 1 Port 3 through Port need to be replaced with Port 2 through Port 4. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 1-11 are objected to because of the following informalities:
In claim 1 line 5 replace " a plurality " with –the plurality-, in line 12 replace " a code" with –another code-.

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In claim 2 line 3 replace "device" with –apparatus-.

In claim 3 line 4 delete " (hereinafter, " , in line 5 delete "referred to as", insert " (" before –BDPUs) -, in line 6 insert "the" before –BDPUs_, in line 9 insert "bundled" before –BDPUs-.

In claim 4 line 6 replace " a plurality" with –the plurality-.

In claim line 6 replace " a plurality" with –the plurality-, in line 12 replace " a code" with –another code-, in line 17 replace " a root" with –the root-, in line 20 replace "the plurality" with – a plurality-.

In claim 6 line 2 replace "number" with –plurality-.

In claim 8 line 6 replace " a plurality" with –the plurality-, in line 11 replace " a code" with – another code-, in line 15 replace " a code" with – said another code-, in line 23 insert " one" before –packet-.

In claim 9 line 5 replace "the VLAN" with – a VLAN_, in line 12 replace " a plurality" with – the plurality-.

In claim 11 line 6 replace " a plurality" with –the plurality-, in line 9 replace " The VLAN" with – a VLAN-.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-2 , 4 , 9 and 10 are rejected under 35 U.S.C. 102(a) as being anticipated by Dey.

US patent No. 6,801,506 (Dey) discloses a method for providing fast spanning tree restarts, comprising ; an apparatus (Apparatus of Fig. 3) for configuring a spanning tree used for a network in which a plurality of virtual LANs coexist comprising: at least one bridge having a plurality of ports (Bridge 226 and Port 310a through 310f in Fig. 3), the bridge capable of configuring a plurality of virtual LANs by logically combining the plurality of ports (a port may be configured according to the IEEE 802.1Q standards including a VLAN designation field, col 11 lines 56-61); and holding means for holding on the bridge by each of the plurality of virtual LANs (Memory 330 in Apparatus of Fig. 3) , information that is a combination between a code for identifying each of the plurality

of virtual LANs configured by the bridge (a domain ID field contains the name of the specific instance, the particular tree protocol i.e. VLAN spanning tree, col 10 lines 8-13) and a code for identifying a root bridge in a spanning tree for each of the plurality of virtual LANs (Root bridge ID field, col 10 lines 20-21) as in claim 1 and claim 4;

wherein the holding means is provided by the number of virtual LANs in the device as a VLAN-ID for each of the plurality of virtual LANs that (a separate spanning tree may be defined for each VLAN, col 9 lines 23-26, this information being stored in memory 330 – holding means-in Fig. 3) is information to be held in the bridge and as a spanning tree protocol instance that is a database containing an MAC address of a root bridge in the plurality of virtual LANs (entity 316 is preconfigured with different tree processes or

is
Bridge (1)
not a
VLAN (1)

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protocols such as different MAC addresses for BPDU messages, col 9 lines 37-40 and 47-49), as in claim 2.

A spanning tree protocol system, comprising: a network in which a plurality of VLANs coexist (col 9 lines 9-10) and a spanning tree protocol is applied and a spanning tree protocol instance(spanning tree , col 9 line 23) having a database containing a VLAN-ID of at least the VLAN in the plurality of VLANs (a domain ID field contains the name of the specific instance, the particular tree protocol i.e. VLAN spanning tree, col 10 lines 8-13) and an MAC address of a root bridge in the VLAN for each of the plurality of VLANs (entity 316 is preconfigured with different tree processes or protocols such as different MAC addresses for BPDU messages, col 9 lines 37-40 and 47-49) , as in claim 9.

A bridge system used for a network in which there exists a plurality of VLANs to which a spanning protocol is applied, the bridge system comprising: at least one bridge having a plurality of ports, (Bridge 226 and Port 310a through 310f in Fig. 3), the bridge being capable of configuring a plurality of virtual LANs by logically combining the plurality of ports; (a port may be configured according to the IEEE 802 1Q standards including a VLAN designation field, col 11 lines 56-61); and a spanning tree protocol instance having a database containing a VLAN-ID of at least the VLAN of the plurality of VLANs (a domain ID field contains the name of the specific instance, the particular tree protocol i.e. VLAN spanning tree, col 10 lines 8-13) and an MAC address of a root bridge in the VLAN for each of the plurality of VLANs (entity 316 is preconfigured with

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different tree processes or protocols such as different MAC addresses for BPDU messages, col 9 lines 37-40 and 47-49) , as in claim 10.

Allowable Subject Matter

4.. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

Claims 5-7, 8 and 11 would be allowable if rewritten to overcome objection to claims under 37 CFR 1.75.

Conclusion

5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306

(for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to 220 South 20th Street, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Va 22202 (Customer Window).


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ricardo Pizarro** whose telephone number is (571) 272-3077. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:30 PM. The fax number for this Group is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Kenneth Vanderpuye** can be reached on (571) 272-3078.

11/12/2004

Ricardo M. Pizarro



KENNETH VANDERPUYE
PRIMARY EXAMINER